

WAR CRIMES GROUP (NORTH WEST EUROPE)
at HQ, BAOR, l.

WCG/15228/2/C.1268/Legal.

Legal Section.

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HERFORD, BAOR, 15.

Copy to: D.J.A.G., HQ, BAOR, l. (for information).

JAG BRANCH

1 JAN 1943

REF: HQ BRITISH ARMY
OF THE RHINE

SUBJECT: War Crimes.
SCHWENDER.
The 'Peleus' Case.

30 Dec 47.

ACTION INFORMATION

DJAG

COL

ADJAG

QM

CC

Wellesley Hill

Reference your Legal/MOJ/52343 dated 22nd December 1947.

1. The evidence at the trial of the U-Boat Commander and others, including the a/n, may be summarised as follows.
2. A Greek ship, the "PELEUS", on charter to Great Britain, carried a crew of Greek, British and various other nationalities. It was sunk in mid-Atlantic by the U-Boat 852. Most of the crew had managed to get onto rafts and wreckage. The U-Boat surfaced and called over one of the survivors and obtained information about the ship, her cargo and destination.
3. Then machine-gun fire was directed from the submarine onto the survivors in the water and on the rafts. Hand grenades were also thrown. As a result all but three of the "PELEUS"'s crew were killed or died of their wounds. The shooting was carried on over a period of 5 hours. The three survivors were rescued after 25 days in the sea.
4. Later in the same year U-Boat 852 was compelled to beach by air attack: her log identified her with the sinking of the "PELEUS".
5. Evidence for the Prosecution was given by 5 members of the U-Boat's crew, who said they saw the accused fire at the survivors and throw hand-grenades at them, and by the affidavits of the three survivors of the shooting.
6. The U-Boat commander claimed to have ordered the shooting to eliminate all traces of the sinking and pleaded operational necessity. (Comment: how far this was true may be judged by the fact that one of the accused who participated in the shooting was the U-Boat's surgeon).
7. SCHWENDER admitted shooting on the command of the U-Boat commander and pleaded superior orders.
8. All five accused were found guilty of the charge. The U-Boat Commander and two others were sentenced to death, another to life imprisonment and SCHWENDER to 15 years imprisonment.
9. The proceedings at the time were reviewed by the Deputy Judge Advocate General and confirmed by the Commander-in-Chief.
10. The question of a review of sentence was brought up a few days ago by Mr. G. POTTER of Intelligence Division, who had been approached by relatives of SCHWENDER. Though such matters are not within the sphere of this Office, it is understood that the effect of the D.J.A.G.'s answer was that no review had been made of the case and in the normal course of events was unlikely to be made. On this point, however, you may prefer to communicate with the D.J.A.G., HQ, BAOR, l.
11. A petition for clemency has also been received on behalf of SCHWENDER. It was made by Dr. Otto KRANZBUEHLER of Nuremburg and tends to misrepresent the proceedings at the trial. This petition has been sent to the D.J.A.G.
12. We have a transcript of the proceedings at the trial in this Office, and though it cannot leave the Office, it is available for your inspection, should you wish to see it.

H. Cleaves